

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**DANIEL B. TATMAN,**

**Defendant.**

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**Case No.: 2:06-CR-268  
JUDGE SMITH**

**ORDER**

On September 13, 2010, the Sixth Circuit Court of Appeals affirmed the District Court's Order granting Defendant's motion to suppress evidence. The mandate issued on October 21, 2010. This matter is currently before the Court on the Government's motion to dismiss the indictment without prejudice (Doc. 69).

Counsel for Defendant does not oppose the motion, but indicates that Defendant would prefer that the indictment be dismissed with prejudice. He provides no authority in support of this request. Pursuant to Federal Rule of Criminal Procedure 48(a), the Court **GRANTS** the Government's motion and **DISMISSES** the indictment without prejudice.

**IT IS SO ORDERED.**

/s/ George C. Smith

**GEORGE C. SMITH, JUDGE  
UNITED STATES DISTRICT COURT**